

2007 DRAFTING REQUEST

Bill

Received: **09/21/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - facility licensure**

Extra Copies: **DAK**

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0025 -

Topic:

ICF-MR bed assessment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rryan 10/05/2006	chanaman 10/09/2006	pgreensl 10/09/2006	_____	lparisi 10/09/2006		State
	rryan 11/29/2006	wjackson 11/29/2006	pgreensl 10/10/2006	_____	sbasford 10/10/2006		
/2	rryan 12/19/2006	wjackson 12/19/2006	jfrantze 11/30/2006	_____	sbasford 11/30/2006		State
/3	rryan 01/30/2007	wjackson 01/30/2007	rschluet 12/20/2006	_____	sbasford 12/20/2006		State
/4	rryan	wjackson	nmatzke	_____	cduerst		State

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/5			pgreensl _____ 02/08/2007 _____		cduerst 02/08/2007		State
/6	dkennedy 02/09/2007	jdye 02/09/2007	pgreensl _____ 02/09/2007 _____		cduerst 02/09/2007		

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/3	rryan 01/30/2007	wjackson 01/30/2007	rschluet 12/20/2006	<i>JG</i> _____	sbasford 12/20/2006		State
/4	rryan	wjackson	nmatzke <i>2/9 ps</i>	<i>PS</i> _____	cduerst		State

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/4		15 Wlj 2/8 07	nnatzke <i>[Signature]</i>	<i>[Signature]</i>	cduerst		

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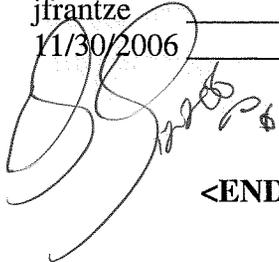
Instructions:

See Attached

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J. Sull
11/30
<END>

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FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: ICF-MR Bed Assessment
- Tracking Code: BB0025
- SBO team: Health
- SBO analyst: Steve Milioto
 - Phone: 266-8593
 - Email: Steve.Milioto@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

High Priority

Department of Health and Family Services
2007-2009 Biennial Budget Statutory Language Request
September 13, 2006

ICF-MR Bed Assessment

Current Language

Under s. 50.14(2), a bed assessment of \$445 per month is currently applied to 1,719 beds in Intermediate Care Facilities for the Mentally Retarded (ICF-MR), which serve developmentally disabled persons needing active treatment. Almost all ICF-MR residents are Medicaid recipients.

Proposed Change

Amend s. 50.14(2) to require the Department to annually establish the monthly bed assessment on licensed beds in ICFs-MR at a fixed rate that would generate assessment revenue for the state fiscal year that would equal 6% of projected gross revenues. Provide the Department the authority to modify the monthly rate during the year to insure that total assessment revenues do not exceed 6% of gross revenues of ICFs-MR.

Background and Rationale for the Change

Provider assessments provide an opportunity to generate additional federal matching funds under Medicaid. The additional federal funds are generated by combining the provider assessment with an equal rate increase under Medicaid. Providers as a group are not adversely impacted since the Medicaid rate increase is equal to the provider assessment. The state will receive a net gain in revenue because federal matching funds will support a major proportion of the Medicaid rate increase so that the state only needs to use a part of the provider assessment to support the Medicaid rate increase. In Wisconsin, the net gain to a provider assessment combined with an equal Medicaid rate increase is equal to the Medicaid federal matching rate (57% in SFY 07) times the amount of the provider assessment.

Federal law allows for an assessment rate of up to 6% of gross revenues.

It is projected that under the 6% federal maximum, the monthly bed assessment on ICFs-MR could be increased to \$640 in SFY 08 and \$708 in SFY 09 and if combined with a rate increase for ICFs-MR, could generate a net gain of \$1,467,300 in SFY 08 and \$1,622,000 in SFY 09.

Desired Effective Date: Upon passage of the bill.
Agency: DHFS
Agency Contact: Richard Megna
Phone: 266-9359

42 CFR 433.68 (F)
76% of target's revenues

42 USC 1396b (w)

cmh

RMRE

In 10/5/06

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1

AN ACT ...; relating to: the budget

don't see

1

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds six percent of the aggregate revenues of all ICF-MRs in the state.

6

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at six percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds divided by 12. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds six percent of ICF-MR aggregate revenues.

and money

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 50.14 (2) (intro.) of the statutes is amended to read:

2 50.14 (2) (intro.) For the privilege of doing business in this state, there is
3 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
4 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
5 ~~retarded and an assessment that may not exceed \$75 in the following amount per~~
6 calendar month per licensed bed of ^{add stricken space} a nursing home. a facility:

7 (B) (2g) The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
9 Medical Assistance trust fund.

10 (B) (2r) In determining the number of licensed beds, all of the following apply:

History: 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 114; 2003 a. 33; 2005 a. 25, 49; s. 13.93 (2) (c).

11 SECTION 2. 50.14 (2) (a) and (b) of the statutes are renumbered 50.14 (2r) (a)
12 and (b).

13 SECTION 3. 50.14 (2) (am) of the statutes is created to read:

14 50.14 (2) (am) For nursing homes, an amount not exceed \$75.

15 SECTION 4. 50.14 (2) (bm) of the statutes is created to read:

16 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
17 amount calculated by the department that is equal to ~~6%~~ ^{assess} of the projected annual
18 gross revenues of all intermediate care facilities for the mentally retarded in this
19 state ~~divided~~ by the number of licensed beds of intermediate care facilities in this
20 state ~~divided by 12~~ ^{and dividing the quotient by 12}

21 SECTION 5. 50.14 (2m) of the statutes is created to read:

22 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
23 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.

24 The department may reduce the assessment amount during a state fiscal year to

by 0.06, dividing the product

multiply by 12

1 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
2 (2) (bm) that exceeds *percent* 6% of the aggregate gross revenues for intermediate care
3 facilities for the mentally retarded for the fiscal year.

4

(END)

Ryan, Robin

From: Megna, Richard
Sent: Thursday, November 16, 2006 5:06 PM
To: [wisconsin.gov]; steve.milioto
Cc: Ryan, Robin; Lund, C. David; Schwei, Matthew
Subject: Re: FW: LRB Draft: 07-0332/1 ICF-MR bed assessment

Attachments: 07-03321.pdf



07-03321.pdf (18 KB)

Steve,

We think this draft needs an additional provision to deal with setting the assessment rate in SFY 08. Since the budget bill may not pass and be signed before July 1, the Dept. will not be able to set the assessment rate prior to the start of SFY 08.

We would like a provision added to allow the Dept., for SFY 08 only, to set the ICF-MR bed assessment rate up to October (or two months after the budget is signed, whichever is later) of SFY 08 so that we do not lose the ability to increase the assessment for SFY 08.

Richard

>>> "Milioto, Steve - DOA" <steve.milioto@wisconsin.gov> 11/15/06 9:05 AM
>>> AM
>>>

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.wisconsin.gov]
Sent: Tuesday, October 10, 2006 9:22 AM
To: Milioto, Steve - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-0332/1 ICF-MR bed assessment

Following is the PDF version of draft 07-0332/1.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0332/2dn

RLR.../...

WLj

Steve Milioto:

As requested by DHFS, this redraft extends the time period for DHFS to calculate the ICF-MR bed assessment rate for state fiscal year 2007-08.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov



State of Wisconsin
2007-2008 LEGISLATURE

LRB-0332/1

RLR:cmh:pg

TWJ

In 11/29/06

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMNR

D-Note

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds 6 percent of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 6 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 6 percent of ICF-MR aggregate revenues.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 50.14 (2) (intro.) of the statutes is amended to read:

2 50.14 (2) (intro.) For the privilege of doing business in this state, there is
3 imposed on all licensed beds of a facility an assessment that may not exceed \$445 per
4 calendar month per licensed bed of an intermediate care facility for the mentally
5 retarded and an assessment that may not exceed \$75 in the following amount per *the*
6 calendar month per licensed bed of a nursing home *of* a facility:

7 (2g) The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
9 Medical Assistance trust fund.

10 (2r) In determining the number of licensed beds, all of the following apply:

11 **SECTION 2.** 50.14 (2) (a) and (b) of the statutes are renumbered 50.14 (2r) (a)
12 and (b).

13 **SECTION 3.** 50.14 (2) (am) of the statutes is created to read: *to*

14 50.14 (2) (am) For nursing homes, an amount not exceed \$75.

15 **SECTION 4.** 50.14 (2) (bm) of the statutes is created to read:

16 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
17 amount calculated by multiplying the projected annual gross revenues of all
18 intermediate care facilities for the mentally retarded in this state by 0.06, dividing
19 the product by the number of licensed beds of intermediate care facilities in this state
20 and dividing the quotient by 12.

21 **SECTION 5.** 50.14 (2m) of the statutes is created to read:

22 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
23 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
24 The department may reduce the assessment amount during a state fiscal year to
25 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.

JNS
3-2

1 (2) (bm) that exceeds 6 percent of the aggregate gross revenues for intermediate care
2 facilities for the mentally retarded for the fiscal year.

3

(END)

D-note

1 **Ins 3-2:**

2 **SECTION 9121. Nonstatutory provisions; Health and Family Services.** ✓

3 (1) BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
4 RETARDED. Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
5 the department of health and family services is not required to calculate the amount
6 of the bed assessment for intermediate care facilities for the mentally retarded under
7 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year
8 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
9 effective date of this subsection, whichever is later.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0332/2dn
RLR:wlj:jf

November 30, 2006

Steve Milioto:

As requested by DHFS, this redraft extends the time period for DHFS to calculate the ICF-MR bed assessment rate for state fiscal year 2007-08.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

LRB-0332

Ryan, Robin

From: Milloto, Steve - DOA
Sent: Tuesday, December 19, 2006 8:52 AM
To: Kahler, Pam; Kennedy, Debora; Ryan, Robin
Subject: Status of Drafts
Importance: High

4) 332/2 ICF-MR Bed Assessment (Ryan) -- Robin, we are going to change the bed assessment to 5.5% instead of 6%. This reflects pending legislation at the federal level. Please revise the draft to reflect this. (I am also waiting on Richard Megna's comments regarding version 2.0 of this draft.)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0332/2
RLR:cmh&wlj:jf

3

In 12/19/06

↑↑
STAYS

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This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 6 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 6 percent of ICF-MR aggregate revenues.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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6 calendar month per licensed bed of ~~a nursing home.~~ the facility:

7 **(2g)** The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
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10 **(2r)** In determining the number of licensed beds, all of the following apply:

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16 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
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9 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
10 effective date of this subsection, whichever is later.

11 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0332/3

RLR:cmh&wlj:rs

1/30/07

Rmnr STAYS

DN

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 5.5 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 5.5 percent of ICF-MR aggregate revenues.

INS A

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 50.14 (2) (intro.) of the statutes is amended to read:

2 50.14 (2) (intro.) For the privilege of doing business in this state, there is
3 imposed on all licensed beds of a facility an assessment that may not exceed \$445 per
4 calendar month per licensed bed of an intermediate care facility for the mentally
5 retarded and an assessment that may not exceed \$75 in the following amount per
6 calendar month per licensed bed of a nursing home. the facility:

7 (2g) The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
9 Medical Assistance trust fund. (no \$)

10 (2r) In determining the number of licensed beds, all of the following apply:

11 SECTION 2. 50.14 (2) (a) and (b) of the statutes are renumbered 50.14 (2r) (a)
12 and (b).

JNS 13 2-10

13 SECTION 3. 50.14 (2) (am) of the statutes is created to read:

JNS 14 2-12
15

14 50.14 (2) (am) For nursing homes, an amount not to exceed \$75.

15 SECTION 4. 50.14 (2) (bm) of the statutes is created to read:

16 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
17 amount calculated by multiplying the projected annual gross revenues of all
18 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
19 the product by the number of licensed beds of intermediate care facilities in this state
20 and dividing the quotient by 12.

21 SECTION 5. 50.14 (2m) of the statutes is created to read:

22 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
23 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
24 The department may reduce the assessment amount during a state fiscal year to
25 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.

INS 3-2

1 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
2 care facilities for the mentally retarded for the fiscal year.

3 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

4 (1) BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
5 RETARDED. Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
6 the department of health and family services is not required to calculate the amount
7 of the bed assessment for intermediate care facilities for the mentally retarded under
8 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year
9 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
10 effective date of this subsection, whichever is later.

11 (END)



DOA:.....Milioto, BB0028 - Repeal nursing home bed bank

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

INS A: Current law provides a procedure under which a nursing home may request, and DHFS may approve, a temporary reduction in the number of beds licensed for the nursing home, if DHFS establishes a minimum per patient day occupancy standard for nursing homes and the nursing home's occupancy rate falls below that standard. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke licensure for the affected beds. This bill repeals this procedure for reducing a nursing home's number of licensed beds when the nursing home's occupancy rate falls below an occupancy standard established by DHFS.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 49.45 (6m) (ap) of the statutes is repealed.

3 SECTION 2. 50.14 (2) (intro.) and (a) of the statutes are consolidated,
4 renumbered 50.14 (2) and amended to read:

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0332/4ins
RLR:.....

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Ins 2-12:

SECTION ~~4~~ 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and amended to read:

50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds subject to assessment under sub. (2), if a facility's number of the beds is other than a whole number, the fractional part of the amount that number shall be disregarded unless it equals 50% or more of a whole number, in which case the amount number of beds shall be increased to the next whole number.

History: 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 114; 2003 a. 33; 2005 a. 25, 49; s. 13.93 (2) (c).

Ins 2-14:

SECTION ~~4~~ 50.14 (2) (b) of the statutes is repealed.

Ins 3-2:

SECTION ~~4~~ 150.31 (5t) of the statutes is repealed.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0332/4dn

RLR:/:....

Wlj

This draft reconciles LRB-0332 and LRB-0335. LRB-0335 should be dropped from the compile.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0332/4dn
RLR:wlj:wnw

January 30, 2007

This draft reconciles LRB-0332 and LRB-0335. LRB-0335 should be dropped from the compile.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Milioto, Steve - DOA
Sent: Thursday, February 08, 2007 11:17 AM
To: Ryan, Robin
Cc: Johnston, James - DOA
Subject: Draft 332/4
Importance: High

Hi Robin --

Jim and I left you a voice mail but I'm sending a confirming e-mail as well.

In Section 3, we would like to change \$75 to \$127.

Thank you for working with us on this. Best, Steve

02/08/2007



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0332/A

RLR:cmh&wlj:nwn

↑ stays ↑

In 2/8/07

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Rmnv2

DO NOT GEN

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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 5.5 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 5.5 percent of ICF-MR aggregate revenues.

INS

Current law provides a procedure under which a nursing home may request, and DHFS may approve, a temporary reduction in the number of beds licensed for the nursing home, if DHFS establishes a minimum per patient day occupancy standard for nursing homes and the nursing home's occupancy rate falls below that standard. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke licensure for the affected beds. This bill repeals this

procedure for reducing a nursing home's number of licensed beds when the nursing home's occupancy rate falls below an occupancy standard established by DHFS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 50.14 (2) (intro.) of the statutes is amended to read:

2 50.14 (2) (intro.) For the privilege of doing business in this state, there is
3 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
4 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
5 ~~retarded and an assessment that may not exceed \$75 in the following amount per~~
6 calendar month per licensed bed of ~~a nursing home.~~ the facility:

7 **(2g)** The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
9 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
10 ~~following apply:~~

11 **SECTION 2.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and amended
12 to read:

13 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
14 subject to assessment under sub. (2), if a facility's number of the beds is other than
15 a whole number, the fractional part of the amount that number shall be disregarded
16 unless it equals 50% or more of a whole number, in which case the amount number
17 of beds shall be increased to the next whole number.

18 **SECTION 3.** 50.14 (2) (am) of the statutes is created to read:

19 50.14 (2) (am) For nursing homes, an amount not to exceed ~~\$75~~

20 **SECTION 4.** 50.14 (2) (b) of the statutes is repealed.

plain
\$127
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**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0332/5ins
RLR:.....

Under current law, nursing homes must pay the state an assessment on each licensed bed that may not exceed \$75. This bill raises that maximum amount for the nursing home bed assessment to \$127.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0332/5
RLR:cmh&wlj:pg

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

One change p. 2

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 5.5 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 5.5 percent of ICF-MR aggregate revenues.

Under current law, nursing homes must pay the state an assessment that may not exceed \$75 on each licensed bed. This bill raises that maximum amount for the nursing home bed assessment to \$127.

Current law provides a procedure under which a nursing home may request, and DHFS may approve, a temporary reduction in the number of beds licensed for the nursing home, if DHFS establishes a minimum per patient day occupancy

standard for nursing homes and the nursing home's occupancy rate falls below that standard. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke licensure for the affected beds. This bill repeals this procedure for reducing a nursing home's number of licensed beds when the nursing home's occupancy rate falls below an occupancy standard established by DHFS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #, RP; 49.45 (6m) (ap) ✓

1 **SECTION 1.** 50.14 (2) (intro.) of the statutes is amended to read:

2 50.14 (2) (intro.) For the privilege of doing business in this state, there is
3 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
4 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
5 ~~retarded and an assessment that may not exceed \$75~~ in the following amount per
6 calendar month per licensed bed of a nursing home. the facility:

7 **(2g)** The assessment moneys collected under this section shall be deposited in
8 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
9 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
10 ~~following apply:~~

11 **SECTION 2.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and amended
12 to read:

13 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
14 subject to assessment under sub. (2), if a facility's number of the beds is other than
15 a whole number, the fractional part of the amount that number shall be disregarded
16 unless it equals 50% or more of a whole number, in which case the amount number
17 of beds shall be increased to the next whole number.

18 **SECTION 3.** 50.14 (2) (am) of the statutes is created to read:

1 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

2 **SECTION 4.** 50.14 (2) (b) of the statutes is repealed.

3 **SECTION 5.** 50.14 (2) (bm) of the statutes is created to read:

4 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
5 amount calculated by multiplying the projected annual gross revenues of all
6 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
7 the product by the number of licensed beds of intermediate care facilities in this state
8 and dividing the quotient by 12.

9 **SECTION 6.** 50.14 (2m) of the statutes is created to read:

10 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
11 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
12 The department may reduce the assessment amount during a state fiscal year to
13 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
14 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
15 care facilities for the mentally retarded for the fiscal year.

16 **SECTION 7.** 150.31 (5t) of the statutes is repealed.

17 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

18 (1) BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
19 RETARDED. Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
20 the department of health and family services is not required to calculate the amount
21 of the bed assessment for intermediate care facilities for the mentally retarded under
22 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year
23 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
24 effective date of this subsection, whichever is later.

25

(END)



DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

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Under current law, nursing homes must pay the state an assessment that may not exceed \$75 on each licensed bed. This bill raises that maximum amount for the nursing home bed assessment to \$127.

Current law provides a procedure under which a nursing home may request, and DHFS may approve, a temporary reduction in the number of beds licensed for the nursing home, if DHFS establishes a minimum per patient day occupancy

standard for nursing homes and the nursing home's occupancy rate falls below that standard. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke licensure for the affected beds. This bill repeals this procedure for reducing a nursing home's number of licensed beds when the nursing home's occupancy rate falls below an occupancy standard established by DHFS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (6m) (ap) of the statutes is repealed.

2 **SECTION 2.** 50.14 (2) (intro.) of the statutes is amended to read:

3 50.14 (2) (intro.) For the privilege of doing business in this state, there is
4 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
5 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
6 ~~retarded and an assessment that may not exceed \$75 in the following amount per~~
7 calendar month per licensed bed of ~~a nursing home.~~ the facility:

8 **(2g)** The assessment moneys collected under this section shall be deposited in
9 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
10 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
11 ~~following apply:~~

12 **SECTION 3.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and amended
13 to read:

14 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
15 subject to assessment under sub. (2), if a facility's number of the beds is other than
16 a whole number, the fractional part of ~~the amount~~ that number shall be disregarded
17 unless it equals 50% or more of a whole number, in which case the amount number
18 of beds shall be increased to the next whole number.

1 **SECTION 4.** 50.14 (2) (am) of the statutes is created to read:

2 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

3 **SECTION 5.** 50.14 (2) (b) of the statutes is repealed.

4 **SECTION 6.** 50.14 (2) (bm) of the statutes is created to read:

5 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
6 amount calculated by multiplying the projected annual gross revenues of all
7 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
8 the product by the number of licensed beds of intermediate care facilities in this state
9 and dividing the quotient by 12.

10 **SECTION 7.** 50.14 (2m) of the statutes is created to read:

11 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
12 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
13 The department may reduce the assessment amount during a state fiscal year to
14 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
15 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
16 care facilities for the mentally retarded for the fiscal year.

17 **SECTION 8.** 150.31 (5t) of the statutes is repealed.

18 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

19 (1) **BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY**
20 **RETARDED.** Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
21 the department of health and family services is not required to calculate the amount
22 of the bed assessment for intermediate care facilities for the mentally retarded under
23 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year

1 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
2 effective date of this subsection, whichever is later.

3 (END)